

UNITED STATES DISTRICT COURT  
IN THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

**JOHN KADERLY,**  
Petitioner

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§

v.

**CASE No. C-07-225**

**NATHANIEL QUARTERMAN**  
Respondent

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION AND  
DENYING DEFAULT JUDGMENT**

The United States Magistrate Judge filed her Memorandum and Recommendation on September 4, 2007 regarding petitioner's second Motion for Default Judgment. (D.E. 18, 16). Petitioner timely filed objections. (D.E. 20).

Respondent received an extension and timely filed a motion for summary judgment within the time granted. (D.E. 12, 15). Petitioner fails to demonstrate any bad faith on the part of respondent. This minor delay does not violate petitioner's right to due process.

Having reviewed de novo the Magistrate Judge's Memorandum and Recommendation, the pleadings on file, and petitioner's objections, the Court accepts the Magistrate Judge's recommended decision. Accordingly, the Court DENIES petitioner's Second Motion for Default Judgment.

ORDERED this 11 day of Nov 2007.

  
HAYDEN HEAD  
CHIEF JUDGE